



DISTRICT COURT OF GUAM
TERRITORY OF GUAM

IN THE MATTER OF THE
ARBITRATION BETWEEN
PACIFICARE HEALTH INSURANCE
COMPANY OF MICRONESIA, INC.
dba PACIFICARE ASIA PACIFIC,

Petitioner,

vs.

GOVERNMENT OF GUAM,

Respondent.

Civil Case No. 04-00030

ORDER

On June 18, 2004, the Petitioner filed a Petition for Appointment of Third Arbitrator by Court (the "Petition"), along with a Notice and *Ex Parte* Application to Obtain Court Appointment of Arbitrator. The Petition recites that the Court has jurisdiction over this matter under 9 U.S.C. § 5 and 28 U.S.C. § 1332. However, the Court has concerns about whether it has jurisdiction over the Petition. Accordingly, the Court directs the parties to file legal briefs addressing the following questions: (1) Whether there is diversity of citizenship between the parties; (2) Whether this civil action "arises under" the Constitution, laws or treaties of the United States; (3) Provided the Petitioner establishes jurisdiction, did the parties waive such jurisdiction by the terms of their agreement; and (4) Whether, in the absence of a resident District Judge and the parties written consent, the Magistrate Judge has

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1 authority to decide this matter. The parties shall file their legal briefs by Tuesday,
2 June 22, 2004 at 3:00 p.m. A hearing on this matter shall be held on Thursday,
3 June 24, 2004 at 9:30 a.m.

4 SO ORDERED this 18th day of June, 2004.

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7 JOAQUIN V. E. MANIBUSAN, JR.
8 U.S. Magistrate Judge
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